

STATE OF GEORGIA  
COUNTY OF CLAYTON

ORDINANCE NO. 2011-209

AN ORDINANCE TO AMEND THE CLAYTON COUNTY CIVIL SERVICE RULES AND REGULATIONS, AS AMENDED, SPECIFICALLY TO DELETE RULE 7.202(f) PROVISIONAL APPOINTMENTS, AND TO INSERT IN LIEU THEREOF A NEW RULE 7.202(f) AS PROVIDED HEREIN; TO REPEAL ANY AND ALL CONFLICTING LAWS, ORDINANCES, RESOLUTIONS, RULES, AND REGULATIONS; TO PROVIDE FOR SERVABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners adopted certain Civil Service Rules and Regulations; and

WHEREAS, the Rules and Regulations provide for the placement of personnel in Provisional Appointments under certain terms and conditions; and

WHEREAS, the Board of Commissioners at the request of the Director of Human Resources and with the approval of the Civil Service Board desires to amend said Rules and Regulations with regard to Provisional Appointments.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF

CLAYTON COUNTY, GEORGIA, AND IT IS HEREBY ORDAINED

**Section 1.** Clayton County Civil Service Rule 7.202(f) is hereby deleted and inserted in lieu thereof is a new Rule 7.202(f) as follows:

(f) **Provisional Appointments** – A provisional appointment is the filling of a properly established Civil Service Position where no appropriate register of eligible

persons exists. In such instance, an Elected Official, Department Head, or other appropriate appointing authority may submit to the Human Resources Director the name of a person to fill the position pending examination and establishment of a register. Such person may be provisionally appointed to fill the position pending his/her becoming eligible and qualified for a permanent appointment. Upon becoming eligible for a regular appointment a person then serving a provisional appointment may be regularly appointed in accordance with the applicable provisions of these Rules and Regulations. In such instance, the effective date of the appointee's permanent appointment shall be the date of the provisional appointment. Provided, however, in the event a second provisional appointment is approved by the Civil Service Board as provided herein and the term of service in a provisional appointment exceeds one hundred eighty (180) days, the effective date of the appointee's permanent appointment shall be the day that the provisional appointment began but not more than one hundred eighty (180) days preceding the date of the employee becoming eligible for regular appointment. Further, no more than one hundred eighty (180) days shall be credited to the appointee's probationary period, counted for seniority in rank, or taken into consideration for any other purposes. A provisional appointee shall, during the period of his/her provisional service, be entitled to all Civil Service benefits in the position they last permanently held. A provisional appointment shall not exceed one hundred eighty (180) days. If an employee is serving in a provisional appointment at the time of the adoption of this Ordinance and circumstances require a longer term, said employee may be appointed to one additional one hundred eighty (180) day term, with the approval of the Civil Service Board. Except for employees provisionally appointed as department heads, no appointee shall serve more than three hundred sixty five (365) consecutive days in the same provisional appointment. Unless a second one hundred eighty (180) day appointment is

approved by the Civil Service Board as provided hereinabove, no person shall be eligible for appointment to the same position on a provisional basis after having served in said position after the end of a provisional appointment term. In the event of a break in the service between the provisional appointment and a regular appointment, time served in the provisional appointment shall not be credited to the appointee's probationary period, counted for seniority in rank, nor taken into consideration for any other purpose. In that instance, the effective date of the regular appointment shall be the date such appointee began serving his/her regular appointment.

**Section 2.** All ordinances, resolutions, rules and regulations, or parts thereof which conflict with this Ordinance are hereby repealed.

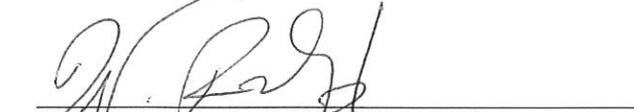
**Section 3.** It is declared to be the intention of the Board of Commissioners that all sections and paragraphs of this Ordinance are or were, upon their enactment, believed to be fully valid, enforceable and constitutional. To the greatest extent allowed by law, each and every section and paragraph herein is severable from the other. In the event that any portion of this Ordinance shall be declared invalid, unconstitutional or otherwise unenforceable by valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that the remaining portions of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

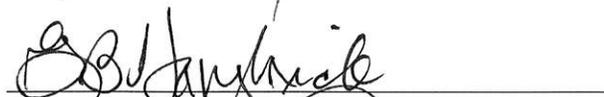
**Section 4.** This ordinance shall be effective on the date of its approval by the Board of Commissioners.

SO ORDAINED, this 13<sup>th</sup> day of December, 2011.

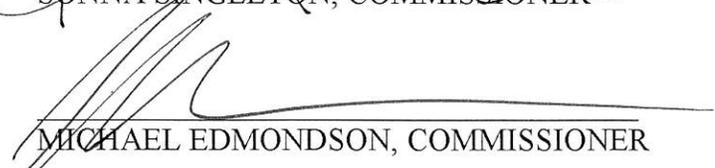
CLAYTON COUNTY BOARD OF COMMISSIONERS

  
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ATTEST:

  
SHELBY D. HAYWOOD, CLERK